

## Town of Walpole

**The Board of Health, Town of Walpole, Massachusetts, acting under the authority of Section 31, Chapter 111 of the General Laws and amendments and additions, thereto, and by any other power thereto enabling, has adopted the following rules and regulations in the interest of and for the preservation of public health.**

**Rationale:** The Town of Walpole is promulgating rules and regulations which provide minimum requirements to be met by any person performing body piercing upon any individual and for any establishment where body piercing is performed. These requirements shall include, but not be limited to, general sanitation of premises wherein body piercing is to be performed and sterilization of instruments. These rules and regulations are necessary to protect the public's health by preventing diseases, specifically including, but not limited to transmission of hepatitis B and/or human immunodeficiency virus (HIV/AIDS).

In addition, these rules and regulations shall establish procedures for registration with the Walpole Board of Health of all persons performing body piercing, for the requirement of minimal training standards for the prevention of disease transmission and for knowledge of anatomy and physiology, for regular inspection of premises wherein body piercing is performed, and for revocation of the registration of any person or establishment deemed in violation of the rules and regulations promulgated under this section. An annual, non-transferable registration fee set by The Town of Walpole shall be paid by any person or establishment registered under this section.

### **Section 1. Definition.**

1. "Body piercing" shall mean any method of inserting a needle into the body to place jewelry in the perforation produced by the needle. Establishments and/or individuals involved in the piercing of earlobes (only) using approved ear piercing guns are subject only to the **General Rules and Regulations**, found in Section 2 of this ordinance.
2. "Body piercer" shall mean any person who performs piercing of any part of the body other than the earlobe which is pierced by use of an appropriate piercing gun.
3. "Body piercer Certificate of Registration" means issuance of a written instrument authorizing the person named therein to engage in the work of body piercing.
4. Operator shall mean any person who owns, controls, operates, conducts or manages any piercing establishment, whether actually performing the work of piercing or not.
5. "Minor" shall mean any person under the age of eighteen (18).
6. "Piercing studio" shall mean any room or space where piercing is practiced or where the business of piercing is conducted or any part thereof.
7. "Antibacterial solution" means any solution used to retard the growth of bacteria approved for application to human skin and includes all products so labeled.

8. "Germicidal solution" means any solution which destroys germs, and is so labeled.
9. "Sterilization" means holding in an autoclave for thirty (30) minutes, at twenty (20) pounds pressure, at a temperature of 275 degrees Fahrenheit.
10. "Sanitary" means clean and free of agents of infection or disease.
11. "Sanitized" means effective bacterial treatment by a process that provides sufficient concentration of chemicals for enough time to reduce the bacteria count including pathogens to a safe level on equipment.

## **Section 2. General Rules and Regulations Regarding Body Piercing**

1. No minors shall receive body piercing, ("minor" shall mean any person under the age of eighteen years.), unless accompanied by a parent or legal guardian who has signed a consent form. No piercing of the genitalia of minors shall be allowed.
2. No piercing of animals shall be allowed in piercing studios.
3. Pre-procedural consultation to discuss body piercing, its risks and potential complications shall be required with each client. An informed consent form shall be signed by all clients. Clients shall be supplied a copy of the consent form and the consent form shall be kept on file by the body piercer. Clients should be told to consult with their physician regarding any medical condition which could be exacerbated by the piercing procedures (i.e., hemophilia, open sores, etc.).
4. Patrons who admit to or are obviously under the influence of alcohol or other judgment altering drugs shall not receive a body piercing.
5. Body piercers shall not be under the influence of any substance, legal or illegal which might impair their judgment or ability to properly perform body piercing.
6. Patrons should receive verbal and written instructions on the cleaning, use of antiseptics and other specific instructions for each piercing after the piercing, including the signs and symptoms of complications.
7. Appropriate disinfectants must be used to disinfect the surface of the skin in the area to be pierced, prior to piercing.
8. Infections and adverse reactions of any kind suspected from the application of piercing which become known to the body piercer shall be reported to the Walpole Board of Health within 24 hours and the patron advised to seek a physician for examination.
9. Body piercers who receive needle stick injuries and/or any potential exposure to blood-borne pathogens on the job shall follow OSHA guidelines on the reporting and follow up on needle stick injuries. OSHA guidelines for needle stick follow up shall be posted in employee area. (Code of Federal Regulations 29 CFR 1910.1030 (f)).
10. It is recommended that body piercers receive the series of Hepatitis B vaccinations and

tetanus doses or booster shot.

11. The gun used for the piercing of ear lobes only must be disinfected with an EPA-approved disinfectant such as *madicide* or a similar product.

**Failure to comply with any of the above regulations may result in immediate revocation of registration.**

### **Section 3. Body Piercer Registration.**

1. No person, or body piercer shall perform body piercing, display a sign or in any other way advertise or purport to be a body piercer unless that person holds a valid certificate of registration with the Walpole Board of Health.

2. An applicant for registration shall pay a \$100.00 fee established by The Town of Walpole with an annual renewal fee of \$100.00 and shall show to the satisfaction of Walpole Board of Health that the applicant:

- a. Has complied with the applicable rules of the Walpole Board of Health;
- b. Upon application, has provided evidence in the form of a drivers license/state identification card or federal identification card that applicant is not less than 18 years of age.
- c. Upon application, has signed a form consenting to abide by the rules and regulations and recommended procedures on the prevention of disease transmission in body piercing, sanitation, sterilization, handling of infections, universal body fluid precautions, sharp and biologic waste disposal and wound care as stated in the Federal Register of EPA Rules and Regulations on Blood borne Pathogens.
- d. Upon application, shall notify the Walpole Board of Health in writing of the regular address of the place where the person performs or intends to perform body piercing and shall keep the registration certificate conspicuously posted in the place of business at all times. Body piercers shall operate only out of facilities licensed to perform body piercing. Body piercers shall be required to demonstrate proper sanitary procedures and to develop and submit their policy on infection control to the Walpole Board of Health.

### **3. Minimal Training**

Body piercers and their employees must show evidence or current certification and completing of courses in the first two areas, prior to receipt of a certificate of registration.

- 1. Basic Training in First Aid and CPR as well as proof of attendance at required renewal courses.
- 2. Completion of a course on Prevention of Disease Transmission and Blood borne Pathogens, conducted by an instructor trained and sufficiently knowledgeable to teach

this OSHA course. Such knowledge shall include the requirements of standards 29 CFR 19010.1030.

3. Body Piercers shall complete a course conducted by a certified professional in anatomy and Physiology.

4. The Walpole Board of Health shall keep a record of the place of business of each person who is registered.

5. Body piercer registration shall expire on December 31 of each year.

6. The place of business shall meet all other department requirements.

7. Liability Insurance is strongly recommended for Body Piercers.

8. Body piercers must present evidence of at least one year of apprenticeship experience with no history of their piercing causing short or long term health problems.

#### **Section 4: Facilities and Equipment**

1.
  - a. Facilities must be located in area zoned for business.
  - b. Studio design, furniture, lighting, plumbing, water and sewage must be in accordance with local ordinances.
  - c. With the exception of service animals (e.g., guide dogs); no animals should be allowed on the premises.
  - d. The floor and all other surfaces shall be, at all times maintained in a clean condition. The walls and ceilings shall be kept clean in good repair at all times. Light fixtures, decorative materials and similar equipment attached to the walls or ceilings shall be kept clean.
  - e. Adequate ventilation (such as air conditioning, etc.) to keep the area dry and air circulating should be used. ("Adequate Ventilation" shall mean a free and unrestricted circulation of fresh air throughout the body piercing studio and the expulsion of foul or stagnant air.) The use of a H.E.P.A. ventilation system is highly recommended.
  - f. Convenient, clean, and sanitary toilet and hand washing facilities shall be made accessible to customers. A sign shall be posted in the bathroom which forbids insertion or handling of piercing/jewelry. The plumbing fixtures and toilet room shall be maintained in a sanitary manner and in good repair. Single service hand towels or mechanical means for hand drying shall be provided.
  - g. In accordance with the MA Dept. of Public Health Regulation 105 CMR 480.000 State Sanitary Code, Chapter VIII, Storage and disposal of infectious or physically dangerous medical or biological waste and sharps disposal of single-use items and needles exposed to body fluids shall be required. Only medical grade sharps containers that are puncture-resistant, with tight-fitting lids are

acceptable.

- h. Body piercers shall be equipped with appropriate sterilizing equipment.(i.e. a working steam autoclave). Autoclaves must be spore tested monthly by independent laboratories to insure they are working adequately.
- i. Body piercers shall be equipped with appropriate cleansing equipment. (i.e. a working ultrasonic cleaner.)

## 2. Work Area

- a. Each body piercing studio shall have a separate work area not used for any other purpose.
- b. No one shall be pierced at any other location in the studio other than the work area.
- c. No customer should be allowed to perform their own piercing/insertions anywhere on the premises.
- d. Work areas shall not be used as a corridor for access to other rooms.
- e. The area where body piercing is to be applied must be performed in a separate room.
- f. The floors, chairs and table tops where body piercing equipment and body piercing work is done should be non-porous. Carpet is not permitted as a floor covering in the work area where the body piercing is applied.
- g. The work area should be well lighted. Work areas shall have at least fifty (50) foot candles of light measured at the height of the work table.
- h. Facilities shall be equipped with sinks and basins with hot and cold running water for the exclusive use of the piercers for washing their hands and preparing their clients for body piercing.
- i. A covered waste receptacle with disposable liner bags shall be located in the work area.
- j. No person shall smoke, consume any food or drink in the work area.
- k. No other activities, (such as hair styling, etc.) shall be performed in any room designated for body piercing.

## **Section 5: Operation Procedures for Studios, Body Piercers.**

### 1. SANITARY PROCEDURES

#### BEFORE BODY PIERCING:

Body Piercers Shall:

- a. Complete all business transactions.
- b. Complete client consent forms and provide a copy to the client

Regarding Piercers Jewelry:

- a. Client and piercer should have appropriate size and quality jewelry chosen before the procedure begins.
- b. Only appropriate jewelry should be used in piercing. Appropriate jewelry is made of implant grade, high quality surgical stainless steel (316 E series), solid 14k or 18k gold, niobium, titanium, or platinum. Appropriate jewelry has no nicks, scratches, or irregular surfaces which might endanger the tissues.
- c. Ear studs or other jewelry designed for earlobe piercing are not appropriate jewelry for other body parts and must not be used by piercers.

2. HAND WASHING & GENERAL HEALTH:

Before working on each patron, the body piercer shall:

- a. Inspect hands for small cuts and abrasions.
- b. Refrain from body piercing or handling equipment if they have open sores, weeping dermatitis or lesions on hands or arms until the condition has cleared.
- c. Refrain from body piercing until the condition has cleared, if they have a cold, flu or other communicable disease.
- d. Wash hands, wrists and up to elbows with antibacterial solution.
- e. Dry hands thoroughly with single use disposable towel such as a paper towel or air dry under a heat dryer.
- f. Put on medical-grade latex (or its equivalent) gloves.

7. BODY PIERCING PROCEDURES:

Body Piercers Shall:

- a. Set up equipment in front of client.
- b. Sealed autoclave bags containing any equipment required to be sterile, shall be opened in front of the client, and the autoclave bag discarded.
- c. All jewelry contaminated with only airborne pathogens (not previously worn or contaminated) should be disinfected with a non-hazardous hard-surface disinfectant approved by the E.P.A. All jewelry contaminated or potentially contaminated with blood borne pathogens (previously worn by another person)

should be autoclaved, stored in sterile indicator bags, sealed and dated.

- d. All needles used in piercing must be pre-sterilized, used on one person, in one sitting, for single piercing and immediately disposed of in a medical sharps container.
- e. All forceps, tubes, etc. must be pre-sterilized stored in sterile indicator bags, sealed and dated, used on one person, in one sitting. After one such use, they must be autoclaved and stored in sterile indicator bags, sealed and dated.

## **8. DISINFECTION ROUTINE:**

### Body Piercers Shall:

- a. Put on fresh gloves for disinfection routine.
- b. Move in such manner to avoid re-contamination of surfaces.
- c. Discard disposable items and remove from areas.
- d. Remove plastic barrier film (if used) and disinfect surface areas, drawer pulls, cabinetry, telephones, lamps, chairs, sinks, ultrasonic tanks, tables, chairs, floor area and any other surfaces that might have become contaminated.
- e. Dispose of single use (disposable) lap cloths.
- f. Remove gloves, wash hands and discard gloves.
- g. Double bag or use bio-hazard bags and discard materials after each client.
- h. Discard materials in medically appropriate manner.
- i. All reusable non-sterilizable implements such as marking pen should be nonporous and disinfected after each use with an EPA approved hard-surface disinfection liquid. Non-spray wipes for surfaces and liquids for soaking jewelry are preferred over spray disinfectants which may disperse pathogens into the air.
- j. Cleansing with ultrasonic cleaners should be the rule for removal of bacitracin or other triple antibiotic solutions, blood and other particles from a used contaminated implement (i.e. jewelry, forceps, insertion tapers, and pliers) followed by steam autoclave.
- k. Steam autoclave must be used on all equipment that may come in contact with the client or the jewelry (i.e. receiving tubes, rubber bands, insertion tapers, forceps, files, gauge wheels, pliers, etc.). Equipment shall be bagged, dated and sealed and stored in a non-porous, dark dry cool place such as a medical credenza, etc. Spore indicators shall be used with each load to ensure spore eradication. Instruments shall be autoclaved at a temperature of 273 degrees F under pressure of 20 PSI for 30 minutes from start. Autoclaves shall be spore tested by independent laboratories at least once every month to induce efficacy. Immersion

in cold germicidal solutions provides incomplete sterilization and is inappropriate.

- l. Appropriate ear piercing guns should only be used for piercing ear lobes and shall not be used for piercing any other body part.
- m. Iodine, antiseptics and other ointments used shall be applied with single use applicators. Applicators that have touched a client once may not be used to retrieve antiseptics, iodine, etc. from containers and shall be disposed of after single use.

## **Section 6: Disposal of Waste In accordance with City's Infectious Waste Ordinance**

1. Bar setups, piercing needles, razor blades or other sharp instruments which are not to be sterilized shall be disposed of in medically approved sharp containers that are puncture resistant and have tight fitting lids.
2. Containers of sharp wastes shall be sent to a facility where they are either incinerated or otherwise rendered nonhazardous.
3. Disposable waste shall be placed in easily cleanable, closed containers with tight fitting lids, to prevent leakage or spoilage.
4. Waste containers shall be kept closed when not in use.
5. Disposable waste shall be handled, stored, and disposed of to minimize direct exposure of personnel to waste materials.
6. The Walpole Board of Health's "Medical/Waste Generator Form" must be completed and returned to the Health Office prior to issuance of a certificate of registration.

## **Section 7: Mobile Establishments:**

1. Mobile piercing studios shall not be allowed to operate in Walpole.

## **Section 8: Fees**

1. A registration fee in the amount established by The Town of Walpole shall be required of all persons registering as body piercers.
2. Payment of fees shall be made at the Walpole Board of Health, Town Hall, 135 School Street.

**Check made payable to The Town of Walpole.**

## **Section 9: Enforcement Procedures:**

1. The piercers registration, shall be suspended immediately upon notice to the holder (without a hearing) when the Walpole Board of Health has reason to believe that an imminent health hazard exists.
2. In all other instances of violation of the provisions of this administrative regulation the



Town of Walpole shall serve the registrant a written notice specifying the violations and afford the registrant or certificate holder a reasonable opportunity to correct the same.

- a. Whenever a registrant has failed to comply with any written notice issued under the provisions of this administrative regulation the Walpole Board of Health may suspend the Registration.
- b. The holder of the body piercers registration shall be notified in writing that the registration or certificate shall be suspended at the end of ten (10) days following the service of the notice unless a request for a hearing is made to Walpole Board of Health within the ten (10) day period.
- c. Any person whose registration has been suspended may make a request in writing for reinstatement of the registration.
- d. For serious or repeated violations of any of the requirements of this administrative regulation or for interference with the Walpole Board of Health in the performance of its duties, or for persons found guilty of any crime related to body piercing, the body piercers registration may be permanently revoked after an opportunity for a hearing has been provided.
- e. Every person who shall perform body piercing without a certificate of registration may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense brought in such a manner, shall be three hundred dollars.
- f. Body piercing of minors - Every person who shall perform body piercing on any minor under the age of eighteen (18) without the written consent and presence of a parent or legal guardian for parts other than the genitalia areas of minors which shall not be pierced, may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation, or offense brought in such a manner, shall be three hundred dollars.

**Section 10: Severability:**

If any section, paragraph, sentences, clause, phrase or word of this ordinance shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations.

**Section 11: Effective Date:**

This regulation shall take effect on June 1, 1998.

